LUCIFER.

THE LIGHT-BEARER.

ENTERED AT THE CHICAGO POSTOFFICE AS SECOND-CLASS MAIL MATTER.

PRICE FIVE CENTS. CHICAGO, ILL., JULY 6, E. M. 305 [E. C. 1905]. WHOLE NO. 1043

THIS ISSUE ALSO HELD TO BE UNMAILABLE.

LUCIFER No. 1043, date July 6, regular issue, went to press on that day, and copies of the paper addressed to about one thousand of our subscribers were deposited for mailing at the Chicago postoffice. After due deliberation Mr. Hull, Superintendent of Second-Class Mails, decided that selections from "Tokology," by Dr. Stockham, giving advice in regard to painless childbirth, were "ob scene." Copies of LUCIFER containing these extracts are held at the postoffice here, awaiting the decision of the officials at Washington. This decision, Mr. Hull thought, would be received here not later than Wednesday, July 12. As it had not yet been received Thursday noon, I decided to wait no longer, but to adopt Mr. Hull's suggestion to issue the paper with the objectionable matter eliminated. In its place I have inserted a letter and an appeal by the Free Speech League of America, to which letter and appeal it is hoped due attention will be given by every reader of LUCIFER. M. HARMAN.

THE ADMINISTRATIVE PROCESS IN AMERICA.

To Lovers of Freedom Everywhere:

In Russia to-day the fruit of the tree of the administrative process is ripe and more, and the government and people of that country are gathering the rotting harvest in flame and terror and blood.

In the United States the Postal Censorship for a decade or longer has been planting the seeds of that deadly tree in the soil of this country. Shall that mad planting continue and extend or are the people at last ready to say it must stop and stop NOW?

Moses Harman, Editor of "Lucifer," was tried and convicted and sentenced in the federal court in Chicago, on the threadbare charge of "obscenity". We have no doubt the whole series of proceedings was in every step a mistake and an injustice, a wrong to an honest man, a denial of salutary liberty, a menace to the peaceful evolution of better social conditions. But at least the forms of law were respected; at least the accused was confronted with his accusers; at least he was informed in advance of the charges against him; at least he had opportunity to employ counsel, to summon witnesses, to prepare his defense; at least he had a trial "by the country," that is, by a jury; at least he was not robbed of property and freedom without judicial investigation, partial and prejudiced though it was; at least he had some chance to defend himself, at least he was not THERE a victim of administrative process.

THAT was to come later in the crowning outrage of all to which he has been subjected during a full twenty years. He prepared a double number of "Lucifer," containing a resume of the history of his struggle with the Censorship and a number of letters from his friends. This was printed, drawing heavily on his very slender resources. It was deposited in the postoffice at Chicago for transmission. Days passed and no subscriber received his paper. Inquiries came to Mr. Harman. He went to the postoffice. He found that the entire edition of No. 1042 had been "held up." He asked why. The Superintendent of second-class mails told him there was "obscene" matter in the paper, and he pointed to two articles which he said were in violation of the postal law. These are all conservative from the viewpoint of any rational person of orthodox opinions, and they are even reactionary in a measure in the eyes of many intelligent men and women. The Superintendent says they are obscene; they are NOT OBSCENE and the official does not mean they are. He means that they are dangerous to the existing order of disorder, as he thinks. He admitted this when he said to Mr. Harman: "If your ideas should prevail society would be in a state of chaos." It is not obscenity but heresy that is scented and attacked. The paragraphs used as a pretext for confiscation by administrative process are pleas for a lessening of sexual indulgence. Would THAT produce social chaos, in the opinion of Superintendent Hull? But the writers of the paragraphs, and Mr. Harman, demand that woman shall have control of her own body. THAT is what has frightened the Censorship.

Other days passed. Again Mr. Harman went to the postoffice. He found that his papers had been sent to the dead-letter office in Washington, there to be destroyed, of course.

MARK WELL WHAT IS DONE: An edition of a paper is seized. The publisher is not notified of the fact. He is left to discover as best he may what has happened. He has no opportunity to defend or explain. His property is taken from him without "due process of law," without a hearing of any kind. The subscribers are left in like doubt; THEY ARE DENIED THEIR CHOICE OF READING MATTER; they are despoiled by administrative process, without inquiry and without hope of redress. And most of them are American citizens, supposedly under the protection of the Constitution!

Why not complete the installation of the Russian machine? Why not place a censor in "Lucifer's" office, with full authority to read all "copy" before it is sent to the linotype, and to blacken all words, lines, and pages that the Censorship can not approve? This would remove doubt, prevent worry and needless expense, and in all ways be a decided improvement on the present method of conducting the administrative process. Besides, it would have the merit of being logical. There would be no delusive suggestion of the republic, of liberty of press, of justice.

What are YOU prepared to say and do in the light of these facts? Will you now and hereafter, so long as these monstrous abuses shall continue, bear testimony against them? Will you protest? Will you do everything you can to help Moses Harman in this crisis, sustaining him by argument and appeal, with your influence; WITH MONEY, now as always the sinews of war? He is the victim to-day; you may be the victim to-morrow. The destruction of the rights of one, though the humblest and most unpopular, menaces the rights of all, opens the way for worse tyrannies, for more extended ruin. **HOW MUCH** do you sympathize with this hunted editor, with liberty of inquiry and expression?

THE FREE SPEECH LEAGUE.
C. L. SWARTZ, Secretary.
EDWARD W. CHAMBERLAIN, President.
EDWIN C. WALKER, Chm. Ex. Com. 244 W. 143 St. New York
Dr. E. B. FOOTE, Treasurer.
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FROM A LAWYER'S STANDPOINT.

Moses Harman has been convicted again, and unless the Circuit Court of Appeals reverses the sentence of the District Court, he will probably serve a year in the Joliet Penitentiary.

The statue under which he was convicted prohibits lewd, lascivious and obscene publications. Articles which have a tendency to stimulate erotic emotion can with some certainity be classified as lewd and lascivious. It is, however, extremely difficult to designate in any terminology that which is obscene. Judges vary greatly in defining it, perhaps depending upon their neuropathic conditions.

Dr. Stockham's "The Wedding Night" was sold at $3 a copy; it omitted no details. Its publication was largely a commercial proposition. It was, from a conventional standpoint, exceedingly more suggestive, lewd and lascivious than the most suggestive portions of Venus and Adonis.

Dr. Stockham was found guilty and fined $250.00. Moses Harman, for a less offensive article, is sentenced to the penitentiary. This discrimination in fixing a sentence is void of all reason and justice and only has a tendency to increase the already very great disrespect for the law.

Moses Harman, in a sense, was trapped into prison. In discussing the subject of sexology, it is impossible for Harman to go to a lawyer or judge for assistance or guidance.

The Police Gazette and the Elite are admitted to the mails and there seems to be no Judge Landis or Bethea or public prosecutor startled into action. That Richard K. Fox is a man of great means cannot be the reason, but the fact remains that they send through the mails, coarse, smutty and suggestive pictures and paragraphs.

In Russia there is a censorship. It not only prohibits but points out what can be published or printed with impunity. If you violate the instructions, you take your chance in prison or Siberia.

In "my own, my native land" we have a censorship, the postal authorities and the other officials have the authority to stop non-mailable matter and to confiscate the same by sending it to the Dead Letter Office; they prefer not to confiscate, but to permit the offense then prosecute and convict.

Harman could go to the United States authorities, submit his paper, and they refuse to answer. He could go to a lawyer, and the lawyer may misinform him. He only learns his right, or rather his privileges, within prison walls.

A lawyer to venture an opinion, must compare his knowledge of what is ordinarily permitted to go through the mails with the the two articles which were published by Harman, which have absolutely no tendency to excite the passions, and passing a favorable opinion, pass his client into the penitentiary.

For instance, the following poem appeared in the Literary Supplement of a Chicago Daily.

It was written by Gilder, editor of the Century Magazine and is also to be found among his "Poems and Inscriptions." The Chicago Daily was circulated *indiscriminately* among young, old and infants. With some trepidation I suggest its publication in LUCIFER, feeling that as it passed through the mails that precedent will not be broken for the purpose of sending an old man to jail.

I ask Judge Landis, the prosecuting attorney and the readers of this paper to read this poem:

"If lest thy heart betray thee,
Thou to one lover would not constant be,
And yet thou would love me—
This boon I pray thee:
Divide the dark from light,
Love me by night.

"If thy sweet thought would find me,
Not through the garish day Oh, Give it wing,
In shadows clasp and clasp and cling,
And bless and blind me!
When stars are still and bright—
Love me by night.

"In longing dreams I'll name thee;
In secret hours when breathes the midnight rose,
Thy heart in mine shall close—
Great love shall claim thee,
O mine in dark and light,
In day and night."

Now eliminate the beauty of the style and considering only by comparison the articles in LUCIFER with this poem, does it not appear more suggestive and inviting than the cold bald statements appearing in Harman's paper?

The indictment was a myth, the trial a farce and the cause of imprisonment an equivocation. A paper with only two or three thousand circulation is not racy; a racy paper would have 100,000. Harman's crime is that he opposes the present marriage system and publishes a paper in opposition thereto. Without monogamy, without inheritance through the father to the legal child, the present property system would fall into shreds. Harman is attacking the institution of private property, the property

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of the *man;* of the man holding capital in the ox and in his wife.

The state—the capitalists—will not care for children; the woman cannot; so man must individually be made to care for them. Love, affection, compatibility do not enter into present society ethics. The absence of any one of these elements will not justify separation or divorce. Monogamy will only exist when the women insist upon it, and they can do so only when they are economically free.

With sincere hopes that no over-susceptible reader will discover any unusual stimulation of his cerebellum and paralysis of the cerebrum, I remain sincerely,

SEYMOUR STEDMAN.

THE REAL CAUSE OF LUCIFER'S OFFENSE.

Mr. Stedman errs, it seems to me, in his characterization of Dr. Stockham's judicially condemned work. Shakespeare's "Venus and Adonis," if I remember correctly, is a glorification of physical love. Dr. Stockham's "Wedding Night" is a clearly worded letter of instruction to the married, written apparently with the purpose of teaching them the laws of health in marriage in order that both man and woman could live happy, healthy lives, and pass on a heritage of health and happiness to their children. To Oliver Wendell Holmes, I believe, is attributed the assertion that "To reform a man we must begin with his grandmother." Dr. Stockham realized that it is impossible to reform the grandparents of the present generation; but she evidently believed it both possible and desirable to properly instruct the potential grandmothers of future grandchildren. I believe that "The Wedding Night" is a work of great value in the hands of young women who seriously desire to so live that their offspring may be healthy, strong, happy, intelligent.

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In asserting that the articles on which the editor of LUCIFER's prosecution and condemnation were based were "less offensive" than Dr. Stockham's "Wedding Night," Mr. Stedman does not take into account, for the moment, the *real* cause of LUCIFER's offense. That cause is LUCIFER's advocacy of self-ownership and self-control in the intimate relations between men and women, and its ignoring of the man-made rules which nominally attempt to regulate such relations. This real cause of offense was plainly stated by Mr. Hull, the superintendent of second-class mails at the Chicago postoffice, when he told the editor that in his opinion *every* issue of LUCIFER is "unmailable," and gave as his reason *not* that every issue contains obscene and indecent language, but his belief that "If your [the editor's] ideas were to prevail, society would be in a state of chaos." In this view of the case, and when due consideration is given to the fact that Dr. Stockham does not oppose the present marriage system but simply informs people how they may live in marriage in a way to insure their health and happiness, it is not surprising that the sentence of the editor of LUCIFER was the heavier; rather, is it surprising that Dr. Stockham was not let go free, and the editor of LUCIFER given the extreme penalty of ten years' imprisonment. But though courts may emulate the example of the old lady who tried to sweep back the sea with her broom, they will as signally fail as did she; for they cannot stop the advancing tide of thought even though they should succeed in suppressing LUCIFER and imprisoning its editor for life. Fortunately progress does not depend entirely on the life of one paper or of one man; though each individual, even though in himself weak, may be a factor in the progress of the race.

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The father of Judge Landis fought, and, if I mistake not, died, in the battle of Kenesaw Mountain in the so-called *civil* war. Thence the judge received his name—Kenesaw Mountain Landis. Had the judge's father, I wonder, "formed the eccentric habit of courting" death in battle? Surely it would be as fair to so assert as it was for Judge Landis to assume that the editor of LUCIFER had "formed the eccentric habit of courting imprisonment." It is probable that the soldier did not really desire to be killed; perhaps he thought that in risking death he was being of service to humanity. Certainly the editor of LUCIFER, like other men, prefers freedom to imprisonment, life to death; but, like the conscientious soldier he willingly risks liberty and life in the endeavor to be of assistance to his fellow men.

L. H.

A red or blue cross means, *your subscription has expired*, and you are respectfully requested to *renew*, or at least to let us know whether you wish the paper continued to your address.

WHAT OUR EXCHANGES SAY ABOUT IT.

"The people's Press," a small but very much alive weekly paper, published at 111 Blue Island avenue, Chicago, has this to say in regard to the late sentence against LUCIFER's editor:

"Moses Harman, publisher of LUCIFER, the ablest paper published on the sex question and woman's freedom, has been sentenced to one year in the penitentiary for obscenity in publishing an article by Dora Forster. This article was too far advanced and too broad for the narrow minds of Christians (?) Any one who has heard Mr. Harman lecture or who knows him personally can have nothing but respect for that grand old man, over 70 years old, and we hope that all lovers of freedom of speech and press will contribute to raise a fund to appeal his case. Send contributions (be they ever so small) to 500 Fulton street."

Many thanks, Brother Lenau, for manly protest and for kind words of appreciation. Though mainly devoted to industrial or economic freedom, the "People's Press" recognizes the importance of the agitation to which LUCIFER's pages are mainly devoted. For many months it has carried an advertisement of our "Son of the Morning," and has long shown a bravely fraternal spirit toward us in many ways. It is published at the low price of fifty cents per year of fifty-two issues, or less than one cent per copy. It is the determined foe of all slaveries, all superstitions, and well deserves the earnest and liberal support of all lovers of freedom and of justice.

And here is what a much older and much larger reform journal, the "Truth Seeker," New York, has to say:

"Both of the Chicago prosecutions under the Comstock law have resulted in conviction. On June 6 Judge Bethea of the Federal court directed a subservient jury to bring in a verdict of 'guilty as charged in the indictment' against Dr. Alice B. Stockham, author of 'Tokology' and other works of that nature, and against Edward B. Beckwith, Dr. Stockham's business manager. On June 15 a similar verdict was returned against Moses Harman, the publisher of LUCIFER. In both cases an appeal will probably be taken. Dr. Stockham and her friends, it is said, are well able to 'make a fight to the finish,' but the case is different with Mr. Harman, who needs all the financial assistance he can get. Dr. E. B. Foote, Jr., 120 Lexington avenue, New York, will receive contributions for the defense. A strong protest should be made against these prosecutions. Though it may not be fully effective, it will influence the public mind against further proceedings of the same nature. Communicate with Dr. Foote, learn the facts in the matter, and then, if you believe in it, do something to help vindicate the liberty of discussion."

The "Truth Seeker" is published weekly at $3 per annum. If any reader of LUCIFER has never seen a copy of this, the largest, and, as I think, the oldest, of the American Free-thought journals, I would advise such reader to send ten cents for a sample copy. The thanks of all lovers of truth and human progress are due to the editor of the "Truth Seeker" for his fearless championship of freedom of speech and of press.

M. H.

A PROPHECY.

The great Swedish botanist, LINNAEUS, saw his works burned by an *ignorant* mob a little over one hundred years ago, because they treated of the *sex* of plants. Now every student of botany is familiar with the reproductive functions of the vegetable kingdom, and Mr. LUTHER BURBANK of Santa Rosa, California, is astonishing the world with the use he is making of such knowledge. Now, I predict that *some* day—maybe another century hence, judging from present indications—school children will be so thoroughly educated in regard to the human reproductive functions that the most perfect specimens of the human family ever born into the world will appear on this planet—not by *chance*, but by *wise propagation*. With the present discouraging indications, my prediction may look decidedly dubious, but it is sure to be realized some time, and the martyrs of to-day are preparing the way. You and Dr. Alice B. Stockham and others engaged in this educational work must suffer the penalties for your crimes (?) and misdemeanors (?).

E. B. FOOTE, SR., M. D.

Larchmont Manor, N. Y., June 17, 1905.

BOOKS ORDERED.—Friends who have ordered and not received books will please write again. Some of these orders have been mislaid, overlooked or neglected because of absence and press of other work. Some have not been filled because the supply of certain books was temporarily exhausted. Now the prospect is that orders for books and pamphlets will be more promptly attended to in future, whether the editor and publisher goes to prison or not.

LUCIFER.

THE LIGHT-BEARER.

MOSES HARMAN, EDITOR AND PUBLISHER.

PUBLISHED FORTNIGHTLY AT 500 FULTON ST., CHICAGO, ILL.

TERMS OF SUBSCRIPTION.

One year.....$1.00 Three months .....25 cents
Six months.....50 cents Single copies..... 5 cents

Hereafter Lucifer will not be sent to subscribers after expiration of subscription except by special request. Please compare number on your wrapper with whole number of paper, and if your subscription is about to expire notify us if you wish to continue to receive Lucifer.

EASTERN REPRESENTATIVE:
E. C. WALKER, 244 WEST 143D STREET, NEW YORK CITY.

LUCIFER: ITS MEANING AND PURPOSE.

LUCIFER—The planet Venus; so called from its brightness.—Webster's Dictionary.

LUCIFEROUS—Giving light; affording light or the means of discovery.—Same.

LUCIFIC—Producing light.—Same.

LUCIFORM—Having the form of light.—Same.

The name Lucifer means Light-Bringing or Light-Bearing, and the paper that has adopted this name stands for Light against Darkness—for Reason against Superstition—for Science against Tradition—for Investigation and Enlightenment against Credulity and Ignorance—for Liberty against Slavery—for Justice against Privilege.

CONGRESS SHALL MAKE NO LAW RESPECTING AN ESTABLISHMENT OF RELIGION, OR PROHIBITING THE FREE EXERCISE THEREOF; OR ABRIDGING THE FREEDOM OF SPEECH, OR OF THE PRESS; OR THE RIGHT OF THE PEOPLE PEACEABLY TO ASSEMBLE, AND TO PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES.—*First Amendment to the Constitution of the United States.*

ANOTHER EDITION CONFISCATED.

Wednesday, June 21, 305—1895—there was deposited in the general postoffice at Chicago, an edition of LUCIFER numbered 1042, for mailing to subscribers. It was a double number, 16 pages instead of the usual eight.

Much time and labor had been expended on this edition, to say nothing of money. We had promised our readers something of a history of the "Postal Inquisition," both as to origin and practical working. We had asked for orders for extra copies of this edition for free distribution, or for sale among the friends of subscribers, hoping in this way to get some help towards defraying extra expense. To this request some of our old-time friends and helpers had responded promptly and liberally.

Several subsequent or supplementary bundles of this edition, in answer to calls, were deposited for mailing within the next seven or eight days following the first deposit, never for one moment suspecting that the first and main deposit had not gone to the subscribers.

After a week of anxious waiting, having received many complaints from subscribers of the non-arrival of LUCIFER, I decided to investigate. Calling at the office of Mr. Paul Hull, Superintendent of Second Class Matter, Chicago, I was informed by him that the edition had *not been sent* to subscribers, giving as a reason that the paper contained "unmailable matter."

When asked for the articles or paragraphs objected to I was shown the letter of Sarah Stone Rockhill, and a selection signed Nancy McKay Gordon, both printed on the last page of the paper except one.

In reply to further inquiries Mr. Hull said the edition would be held till word could be received from headquarters at Washington, when, if the decision should be that these articles are not obscene the edition would be sent to subscribers; if the decision should be adverse, the papers would be held subject to orders from the postmaster general's office.

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Next day I received the following notice:

General Postoffice, Finance Division, Chicago, Ill., office of Second-class Matter. P. H. Chicago, June 30, 1905.
Moses Harmon, Publisher LUCIFER THE LIGHT BEARER, Chicago, Ill.

Sir—The Postal Department at Washington has ruled that the issue of your publication of June 22 contains obscene matter and is unmailable.

Respectfully,
F. E. COYNE.

Accompanied by my lawyer, Seymour Stedman, I immediately called on Mr. Hull and asked for the return of my property, maintaining that the P. O. department, having refused to send LUCIFER No. 1042 through the mails, has no further right, duty or concern in the matter. That the postoffice department is not part of the *judicial* branch of the government, but simply part of the *executive* branch and that until condemned by the judiciary my property cannot lawfully be confiscated.

In reply Mr. Hull said, "this is a question with which I have *nothing whatever to do.* I simply obey orders. My orders are to send the paper to the dead letter office at Washington. I have done this. The papers have already gone.

* * *

We then, Stedman and I, went to the Assistant Postmaster, Mr. Hubbard, and received similar answers. He said our only hope for recovering the edition lies in writing to the First Assistant Postmaster General at Washington.

In reply to a question in regard to the right of the P. O. to confiscate my property without any judicial proceedings Mr. Hubbard said, "Such things are done by the *police* department, as when they destroy 'chips' and other furniture of the Chicago gambling houses"—forgetful, apparently, that the police have a *warrant* from the city government to destroy the furniture of gamblers of a *certain class*, but that no warrant has been issued, so far as known to this deponent, to any one to destroy the property of LUCIFER's office without first bringing the publisher into court and giving him a chance to defend himself against the charge of printing and trying to mail unlawful literature.

I asked Mr. Hull if he would read "the proof sheets" of my next issue of LUCIFER and decide whether the matter is mailable *before* the edition goes to press.

"No, I will not," said he.

"Do you read copies of all the papers published in Chicago before you allow their several editions to go into the mails?" I asked.

"Certainly not," said he.

"Then why should *my* paper be discriminated against? You say you read a copy of each edition carefully before allowing it the privileges of the mail," said I. "Why this discrimination?"

"You know the answer to that question as well as I do," said Mr. Hull, with a meaning smile.

As I write these lines there comes to my ears the continuous roar of burning gun-powder, the offerings of a *grateful* people for the blessings of liberty, of justice to all alike, and of special privileges for none.

How much reason have the publisher and the patrons of LUCIFER for thankfulness that we are living in the United States of America and not in England, France or Russia?

M. HARMAN.

WHAT OF THE FUTURE?

That is, what of the future of LUCIFER, THE LIGHT BEARER—sometimes called "Son of the Morning," "Herald of the Dawn," and other synonyms of the grand old name Lucifer—one of the oldest, most beautiful, most expressive, most honored and honorable of all the names connected with the most ancient, most noble and ennobling of all the purely physical sciences, the science of astronomy—science of the stars.

Yes, what of LUCIFER's future? Our Son of the Morning has passed through many critical periods, many trying times, in the twenty-five years, nearly, of its existence, but in none of these critical periods did there seem to be such combinations of adverse forces as at the present moment. Never before have we faced judicial rulings so thoroughly hostile to freedom of speech, freedom of press, freedom of discussion upon the subject that of all subjects needs the light of free investigation, of fearless, honest, untrammelled investigation, as does the subject of SEX, involving and including as that subject does the right of woman to self-ownership—ownership of her creative powers and functions, and the right of the child to be born well, if born at all.

Out of the sex-enslavement of woman—as can be easily shown, grows all other slaveries, including economic or financial slavery, industrial slavery, political slavery, religious slavery, intellectual or mental slavery, and so on to the end of the chapter

of slaveries. As so forcibly argued by Grant Allen, Walt Whitman and other independent thinkers and writers, "Sex contains all!"

Hence all other reforms must wait upon sex-reform. Hence all *ologies* are subsidiary to Sexology; all sciences secondary or third-rate in importance to Sexual Science.

* * *

Looking for causes, is it not because of their knowledge of these basic facts that "the powers that be" are now so thoroughly bent upon silencing all inquiry—through the public press and by private letters even—into the morality or the immorality of our present sexual and marital codes?

Do not these ruling powers instinctively feel and know that freedom of discussion on sex-lines would, in the end, destroy the present division of mankind into the two divisions of rulers and ruled, of robbers and robbed, of masters and slaves? and that sex-freedom, including freedom of womanhood and motherhood, would make an end to the power and privileges of these ruling classes?

As stated elsewhere in this issue the Superintendent of Mails at Chicago has given LUCIFER's editor plainly to understand that in his opinion *no edition* of LUCIFER should be allowed to pass through the mails. This was said after declaring that he has no personal feeling against said editor, but that, on the contrary he has uniformly tried to construe the postoffice rulings favorably to that individual.

If these utterances mean anything at all they would seem to mean that any future edition of LUCIFER is liable to be held up in the mails, confiscated and sent to the "Dead Letter" office, there to be *destroyed*, as was done with number one thousand of that publication, and as it now appears probable, the much larger and much more important number 1042 will share the same fate.

Facing this contingency I now ask LUCIFER's subscribers, "WHAT SAY YOU ALL?"

Yours for the fight for the right of free discussion.

M. HARMAN.

ELECTED FOR A FOURTH TERM.

The following City Press Dispatch, of June 28, is self explanatory:

"Moses Harman, 74 years old, was sentenced to one year at hard labor in the penitentiary by Judge Kenesaw M. Landis of the United States District court, this (Thursday) morning. The court allowed the man the privilege of bail in $1,500 so that he may take his case to the United States Circuit Court of Appeals. He made no demonstration when he learned of the sentence and feels confident that the upper court will reverse the findings of the jury in Judge Landis' court.

"Harman is an advocate of liberalities in married relations and publishes the magazine known as LUCIFER THE LIGHT BEARER. He has served three short terms in a Kansas penitentiary for persisting in publishing this paper. His publications strike at the base and sacredness of marriage on scientific grounds, and lengthy discussions on this subject are carried on in the publication from various writers. A motion for a new trial and an order in arrest of judgment were denied by Judge Landis yesterday (Wednesday)."

The reporter was quite correct in saying, "when he (Harman) *learned* of the sentence," for I *did not hear* the sentence delivered by Judge Landis, although sitting within a few feet of his chair. Partially *deaf* I tried hard to follow what he was saying, but his tones were *low* and *weak*, for the most part, and must have been particularly so at the close of his talk, else I would have heard enough to understand that he was sending me to prison for a year.

* * *

I had come to the court-room prepared to make a little talk, in view of a possible sentence. Not for one moment did I suppose the judge would fail to ask if I had any thing to say why sentence should not be entered against me, in case he should decide not to grant me a new trial. He had denied me the *citizens* right to address the jury in my own behalf, which denial was wholly unexpected and wholly without precedent in similar cases, so far as I then remembered, but to deny me my *manhood* right to say a few words to the judge before receiving such a weighty sentence as a year in prison would be to add outrage to injury—as I then believed and still believe.

Through life I have adopted, as a leading maxim the admonition,

"Judge not, that ye be not judged."

That is to say, I have habitually declined to sit in judgment upon or to condemn the *motives* of those from whom I may differ. We can take cognizance of the word and the act of our fellow human beings and approve or condemn, but the motive that prompts the act and the word must always, more or less completely, elude our ken.

But while this is true we all very naturally seek for the causes of all phenomena, including, of course, all human acts and words. Very naturally we seek to know the hidden springs of human conduct. We all seek to know, as far as possible, the whys and the wherefores—in accord with, or because of, that other well known principle or maxim, "By their fruits ye shall know them," and "The tree is known by its fruits."

Why, then, should I be denied the right—or *privilege*, if the reader prefers that term—of addressing a few explanatory words to the jury that was to determine the question of my guilt "or innocence," and why should I be denied the right or privilege of addressing a few words to the judge whose official duty it becomes to affix the penalty, in case the jury decides that I am guilty of violating the man-made statute concerning what is technically known as "obscene" literature?

Imprisonment for one year at hard labor is a punishment so serious that no sane and humane man, it would seem, would or could inflict it upon a fellow human being without very grave reasons for so doing.

The question of motive, of probable motive, is always a factor, if not the *chief* factor, in determining the guilt or innocence of any act. To ascertain the motive of human actions the most important method, as well as the most natural and rational method of procedure, is to *hear what the actor himself has to say in explanation of his act*. No one can know what the real motive underlying any act was, or is, so well as the individual who performs the act, and in the absence of overwhelming evidence to the contrary the testimony of such actor should be accepted as conclusive.

So much impressed with the truth of this principle were the sturdy, the truth-loving and liberty-loving old Romans, during the earlier and better years of that great nationality, that it was accepted by them as a fundamental principle of jurisprudence that no one should be condemned until heard in his own defense. Civil laws and customs in England and her colonies—of which colonies the United States are part—are supposed to date back to ancient Roman laws and customs for their authority.

* * *

While wishing to give Judge Landis the benefit of the doubt—while remembering that he is comparatively a *young* man and that he is one of the *later* appointees to a chair in the Federal court, and therefore liable to make unintentional mistakes, I simply cannot escape the inference, the mental conviction, that he *did not want* the defense of my motives in publishing the indicted articles to be heard in the Federal court room, because of the possible effect of such defense upon the minds of the hearers, upon the minds of those who have hitherto paid but little attention to such subjects, and especially that he did not want the *jurors* to hear my motives defended.

Several utterances of Judge Landis seem to confirm this inference. As when he said in summing up, that "While the defendant claims to be conducting his paper in the interest of scientific investigation alone, an examination of the paper itself does not confirm such claim"—or words to that effect, and yet he utterly failed to point out or quote anything in the copies of LUCIFER, held in his hand, to prove the truth of such statement.

Again when my friend Stedman was presenting his exceptions to the rulings of court, and asking for a new trial, Landis used words like these:

"Your client, Mr. Stedman, has apparently formed the eccentric habit of seeking imprisonment"—thus plainly indicating that he considered me a *fanatic* on the sex question, and that to gain notoriety as an apostle of sexology I court incarceration in the penitentiaries.

If I correctly understand the meaning of these and of similar utterances it is not strange that Kenesaw M. Landis should think it useless, or worse than useless, to give me a hearing in my own behalf, and that he agrees substantially with Judge Bethea that sex, or sexology, is not a proper subject of discussion, public or private.

Judge Bethea, who with Landis, is a recent appointee to the Federal "bench," in his ruling in the Stockham case, took the ground that *sex* is not a proper subject of discussion, either in

public or private, and we all know that courts have the habit of following precedents, instead of trying each case on its merits alone. By this method courts are tied back to the past; they become ultra conservative, reactionary, non-progressive, non-humane if not *inhuman*.

In other words, by depending on precedents the tendency is always to make a *fetich* of the letter of the law. The law is magnified and made honorable at the expense of justice, at the expense of humanity, of manhood, of womanhood, until the opinion or doctrine seems to prevail that human beings are created *for the law*, for the honor and glory of the law, and for the honor and glory of the officials who expound and enforce the law, rather than the doctrine that laws are made for *man*, for *woman*, for the use and benefit of human beings; not for the honor, glory and emolument of law-makers, of judges, of sheriffs, prosecuting attorneys and other officials connected with the administration of human law.

The quoted press dispatch gives correctly my present status before the Federal courts in this city. M. HARMAN.

LUCIFER'S HELPERS.

In this list are credited all who send money on the Free Speech Defense Fund; all who send money to pay for trial subscriptions to LUCIFER as propaganda work; all who buy books for the same work, and all who send money or stamps to be used in sending out sample copies, or for the general publication fund.

C. S. Haney, $1; D. Hunsaker, 50c; H. Jewett, 50c; James Myers, $2; F. E. Leonard, 50c; R. Goodheart, 50c; Mattie Day Haworth, $1; E. Bordwell, $2; B. W. Collins, $2; Mary Everett, 50c; Israls, $1; Mrs. A. B. Fish, 60c; J. B. Phinney, $1; O. N. Bancroft, $2.50; John Knott, $3; A. G. Lenberg, $4; Adler Jorgensen, $3; Ella Slater, $1; S. O. B., $1; J. S. Roney, $1; Amy Odell, $3; E. E. De Graff, $2.50; Dr. G. A. Bradford, $1; F. F. Meade, 25c; Bertha Moore, $1; S. Gelus, $1; George J. Callender, $3; Katharine Beck, 50c; E. C. Macdonald, 50c; a friend, $1.15; Walter Ufer, $3; Frank Kremer, $2.50; a friend, 50c; S. T. Hammersmark, $1; J. M. Livshis, $1; B. Kaplan, $1; J. D. Mack, $1; M. Rubinstein, 50c; D. O. Barnard, 50c; W. F. Barnard, 50c; Goodman, 25c; Goldman, 25c; Robins, 25c; Leviton, 25c; S. R., 25c; Arons, 25c; M. Marcus, 25c; Agursky, 25c; J. Hautman, 25c; Theo. Appel, 25c; Aug. Osdre, 25c; Christ Drysjake, 25c; Christ Goetz, 25c; A. Horschueck, 25c; A. W., 15c; Gordon, 15c; J. B. Lenau, $1; B. F. Cheney, $1; J. H. Greer, M. D., $2.

B. F. Cheney, $1; A Chicagoan, $2; A Kentuckian, $1; A. L. Heuple, $1; C. S. Haney, $2; F. E. Bergman, $2.

Once more sincerely thanking all our co-operators in this line of work, since last credit, we ask all who have not yet ordered books or papers to be used in educational work, to the amount of their cash contributions, to do so as soon as convenient. In this way the good results of their contributions will be cumulative.

TO "FREE SOCIETY" SUBSCRIBERS.

We have now been sending you LUCIFER for some three months, or more. While a comparative few have answered our request to let us know whether they want LUCIFER, a large majority of F. S. subscribers *still remain silent*. Once more we earnestly request an early answer to this question:

Do you want to be considered subscribers to Lucifer, and are you willing to help win the fight for freedom of speech and of press on ALL lines of reform?

If you do NOT want LUCIFER it will cost only *one cent* to so notify us on a postal card.

Hopefully yours for the right, M. HARMAN.

BAS RELIEF MEDALLIONS OF MOSES HARMAN.

Bas relief medallions of the bust of Moses Harman, size 9 by 14 inches (oval), the work of La Verne F. Wheeler, a well-known Chicago artist, can be had at the following prices: Plain white, $1; old ivory, $1.50; plain bronze, $2; Etruscan bronze, $2.50. Thirty-five cents additional for boxing and shipping.

The proceeds of sales, after deducting bare cost, are to be devoted to the defense of LUCIFER'S editor.

Send orders to La Verne F. Wheeler, 3323 Michigan avenue, Chicago, Ill.

VARIOUS VOICES.

Full name and address of writers in this department can generally be obtained on application to the editor.

We are always glad to receive calls from friends visiting the city. Take the Lake street elevated, stop at Ashland avenue, walk one block east, then one block north. Or take Fulton street electric car west and stop at St. John's place, alighting in front of our house. The Lake street electric and Paulina street cars also pass within a block of our residence.

Otto Wettstein, La Grange, Ill.: LUCIFER No. 1042 has not reached me. What's the matter? Are we living in Russia or in the country founded by Washington, Jefferson and Paine?

O. L. Harvey, W. Lafayette, Ind.: No LUCIFER has arrived yet. One reason I subscribed for your paper was to learn about your trial and its outcome. I am still in ignorance; but I see you are not in the penitentiary.

T. Sakai, editor of "Chokugen," Tokio, Japan, May 23, 1905.—"Dear Comrade: I have received your letter and 'Sex Radicalism.' Am now reading the book with great interest. Thanking your kindness, I am yours fraternally."

F. H. Bergman, Chicago: Find inclosed $3. Credit my subscription one year; send LUCIFER six months to inclosed address, and use balance for your defense fund in your gallant fight for free thought and free motherhood. With great esteem and fraternal greetings.

Mattie Day, Philadelphia, Pa.: LUCIFER No. 1042 has not reached me. Is it a postal hold-up? I want to receive LUCIFER whether the postal officials think it is best for me to have it or not. I can decide that matter for myself. My heart's best wishes to you and yours.

H. C. Hanson, Aurora, Ill.: We have not received LUCIFER No. 1042 [the suppressed number] yet. Find inclosed $1 to apply on my subscription and 25 cents for trial subscription to accompanying address. With emphatic protest against the postal inquisition, I sign myself your friend and comrade.

H. Scott Bennett, State Parliament House, Melbourne, Australia.—"I strenuously object to the suppression of free speech under almost any conceivable circumstance. Will send subscription later. Yours in the cause of mental and economic freedom. . . . Would be glad to have correspondence with readers of your paper."

Elmer Ellsworth Carey, [associate editor and manager of "Suggestion," Chicago.]—"Dear Mr. Harman: Just a line to tell you that your work will some day be appreciated. You have the consolation of knowing that while you are punished for daring to express your thoughts, you have a long line of goodly company extending back even to Socrates."

B. F. Cheney, Chicago, Ill.—"I am very sorry to hear that you are again sentenced to go behind the bars for trying to enlighten people in regard to social relations, and in truths relating to sex. But the sex relations and all matters pertaining to sex are under the *ban* and *woe to him* who *does not obey orders* and keep quiet in regard to such things."

O. N. Bancroft, Bartow, Florida.—"I enclose a mite, $2.50, to assist in your successful (as I hope, forever) defense of free speech, and a free press, as constitutionally provided. . . . I hope you will win out in freedom, and may the right prevail. Your paper is very interesting, and I like its present form. Should my time expire while I am absent this summer and fall, keep it coming and I will pay for it all."

Dr. S. A. West, Rock Port, Mo.—"My Dear Brother: Your communication has been received, also the books which you mailed. I have gone through them with you, and I must say the work which you have done is by far the most important ever undertaken and championed by any man in the open field of this great world of mind. . . . It has required a steeled and invincible spirit, and you have certainly ruled this spirit with a rod of iron! You have scattered the fire of truth; you have arranged the records and opened the 'way' for coming

generations, who will, in due time, understand your spirit, and call you 'blessed!' Whether a hundred years or as many minutes, life is sweet in the moment in which a duty has been rendered unto ourselves through service to a principle belonging to all! You are father, son and brother to womanhood, and there is no higher estate or reward than this."

Geo. J. Callender, Trinidad, B. W. I.: I herewith inclose $3.11—$2 for the good of the cause, and $1 for LUCIFER to be sent one year to inclosed address. I have received a circular from the Free Speech League requesting aid for your cause, to which I shall endeavor to contribute later. Yours for liberty and progress.

A. B. Fayve, Chicago: I have received but one of your papers since the middle of May. If I wish to read and will pay for as clean and instructive a publication as LUCIFER, I don't understand the right of government to keep back my mail from me. As I understand it, the government is the people. I am one of the people, and I want to receive LUCIFER.

Lady Florence Dixie, Glen Stuart, Scotland: I shall be most anxious to hear the result of your trial. It will be a cruel injustice, indeed, if you are imprisoned or fined for publishing plain-spoken opinion. Why, we are freer in antediluvian Britain than in Rooseveltic America! With sincere good wishes, I am always most truly your friend and sympathizer.

J. F. Paulson, Chicago: Received sad information of your sentence, the meaning of which is understood only by those who love liberty. Not many do we find who appreciate your work in the cause of true motherhood, mankind, and liberty. You are a century in advance of the common understanding, for you to be a target for persecution is certainly most painful to your friends. I should be glad to render some assistance now, but must wait a little longer.

E. B. Foote, Sr., M. D., Larchmont, N. Y.—"Inasmuch as the Junior has been taking LUCIFER right along, I have had access to it each wek, but as every subscriber counts, I think I ought to add my own name. I therefore enclose $3, for which you will mark me up for the time it will pay for. There are no names that I could give you from this place, for it is a very conservative neighborhood. I trust you may come out of your difficulty right side up."

Bertha Moore, Portland, Ore.—"I enclose $2. One is for re-subscription and the other is to help in the cause of free speech. I enclose an article which you can publish if you wish. If published, I want two or three hundred leaflets struck from the same type, perhaps more.

[The article is a good one and will be printed if we can find room. Thanks for present help as well as for many similar favors in the past.—M. H.]

Olivia Freelove Shepard, Home, Wash., June 2, 1905.—"Moses Harman, Dear Friend of Freedom: I have just read Lois Waisbrooker's new edition of "Woman's Source of Power." It is a clear, calm, strong, highly vitalized statement of the greatest need of the age—woman's ownership and control of her own being. Its logic is simply unanswerable, and I wish I had means to put it in the hands of every woman and those of every man who has an awakened conscience concerning his treatment of her."

A. E. Clark, Hecla, S. D.—"If I were big enough, I would have things different. Of course, I think your work has crowded old Mother Grundy off of a considerable portion of her easy seat, but it will take a few generations that are at least well born to entirely knock her out. . . . As long as we have so many pin-headed blatherskites in the country, they will crowd themselves into the offices, as I have not observed any office seeking the man. I do not go much on that old saw, and we find our offices filled with men who never made a success of their own business, and have no capacity. Men who are capable of successfully managing their private business are not looking to the public for an idle teat. . . . So I do not look for much improvement until we get intelligence enough to grade up the whole mass to a higher degree of perfection, and look upon our officers as our servants. Now we elect and appoint men to rule and govern us, and they would be simple, indeed, if they did not give us what we deserve. We are as Bryan says of the Democratic party. . . . The first thing we should do is to deserve success. When we as a people deserve to govern ourselves, we will do it, but until then we will have to be governed by the incapable class, who hypnotize themselves into the belief that they can govern us very much to our advantage. . . . I send you draft for $2.00 to extend my subscription two years. Occasionally I hand out LUCIFER, but it does not seem to tickle the common palate as well as the popular rifraff. . . . I hope your fare in prison will develop your muscle so you can wield the pick with renewed vigor, that you may get a hole through the shell of ignorance and hypocrisy and let in the light of reason, which will right all wrongs."

A. L. Heuple, Hot Springs, Ark.: We send $1 as a trifle to help you in your fight, and would make it more if we could. I cannot see what there is to find fault with in "Sex Radicalism" though I re-read the tenth chapter, which I understand is the one complained of. It is certainly ideas that they are fighting this time. I cannot see how a charge of obscenity could possibly be maintained before any fair-minded person, but where there is so much prejudice everything is possible. Mr. Heuple says he is glad you gave Mr. McAfee an idea of what you thought of his prosecutions. We hope you will come through all right.

Martin Nortvedt, Laurium, Mich.: I did not receive LUCIFER No. 1042. I suppose you were not able to get out your paper on account of your trouble with "Mother Grundy." Hope you will come out of it with flying colors. You know I don't like to miss a single copy; that's why I write to you. Yours for freedom of thought, press, and speech.

[A considerable number of our subscribers have also concluded from the non-appearance of LUCIFER that none was issued; when, on the contrary, a double number was printed and deposited in the postoffice as explained elsewhere in this issue.]

Arthur Wastall, East London, Cape Colony: Have been wanting LUCIFER to take up with the "Round About" correspondence plan, and the R. A. to embrace the wider field of sex ethics which LUCIFER champions, and now comes a woman who promises to do the very thing with a new organ. Well, we shall see what she turns out. I am convinced that both Miss Bacon's journal and yours will be benefited. There is lots and lots of room along these lines. Glad you save your eyes as much as possible, but you mustn't suppose I expect you to reply to my scrawls. You are too busy a mortal for that. Stick to the helm as long as possible and save yourself all possible in order to do this, and we shall all be thankful. With every good thought.

Lucy E. Parsons, Chicago: I have just this minute learned of your sentence to one year in prison. To say that I am shocked and saddened by the prospect of your threatened incarceration is to use language too mild to express my real feelings. It matters not how we may differ as to which must be first secured—economic freedom or sexual freedom—we know that both are necessary and must come, and those who suffer in the cause of either must not be allowed to suffer without enlisting the sympathy and support of the other. I inclose $1 now and will try to do more later on. Dear old comrade in the cause of woman's emancipation, I had hoped that you would be able to pass your few declining years in freedom, but it seems that it must be otherwise.

M. M. J. M., Chicago.—"A shudder runs over me as I realize the purport of your note stating that you have been sentenced to one year in the penitentiary. . . . Possibly it is needless to state that I am not in thorough accord with the utterances of LUCIFER on the marriage question. Probably not one-half of those who subscribe for the paper believe as you do. Still it is the boast of all Americans—and I am proud of my birthplace—that freedom of thought and speech are guaranteed to all. I know there is a *free* press! The Chicago American is ample proof of that. Or, can it be that I am mistaken; that it is only the fear of what might be done with the glittering hoard of wealth that Hearst controls that keeps the 'law enforcers' at a distance?

"It would appear to one who would see fair play that the punishment is uncalled for. But you are not the only martyr. Joseph Dunlop suffered imprisonment for publishing a line of

'ads.' that had previously been allowed to appear in other papers of Chicago. A similar line has been running in one of the dailies since Dunlop's imprisonment. Why the discrimination? Ella Wheeler Wilcox, in a recent article, practically voices the sentiment expressed in LUCIFER. Yet neither Mrs. Wilcox nor the publisher are prosecuted. One law for all would seem to be fair. I presume the inquisitor concluded I might suffer morally, so he refrained from delivering the last issue of LUCIFER.

"'Brother Harman, I trust your days at Joliet may be brightened by your honest belief that you are doing a good work. It seems too bad that you should suffer at your age for a cause that at best can bring you little reward and scant thanks from those whom you seek to benefit."

Tom Swinburn, Charleston, W. Va.—"From my inmost soul I hate tyranny, whether it be in Russia or in the United tSates. I shed my blood for the preservation of this Union. Am crippled for life, and if anything could make me regret the suffering and sacrifice freely laid upon the altar of Union, it would be such damned idiocy and despotism as the postal authorities are displaying to please a set of ninnies. They show the quality of their bravery and magnanimity by jumping with both feet on a poor little sheet like LUCIFER, while they never disturb the powerful dailies nor large magazines. . . . I am paid up and intend to keep paid up as long as LUCIFER interests me as it does now, no matter whether I agree with it or not, and I will get as many more to subscribe for it as I can."

Frank Kremer, Chicago: Inclosed find $2, for which send LUCIFER three months to each of inclosed eight names. The last number of LUCIFER which I received was 1039, and I thought it was suspended until you got through your trouble. I will not express my sympathy to you in regard to your sentence. I suppose you get enough of that, because it is cheap; and what you really need for your fight—that is, money—it is something of which I can send but little.

[One of the best ways to help LUCIFER—if it is not really the best—is to send trial subscriptions; but we hope our friends will let us know if the names are sent with the consent of the trial subscribers. If consent is not given when names are forwarded, we wish to be notified so that we may write and ask if papers are desired. Such assistance in the circulation of LUCIFER is gratefully appreciated.]

S. Gelus, Worcester, Mass.—"Enclosed find $5.10, for which credit me one year on subscription. I hasten to renew, since I appreciate the contents of LUCIFER better than any literature received by me. Send me the following: 'Woman's Source of Power,' 25c; 'Law of Population,' 25c; 'Curse of Maternity,' 25c; 'Prodigal Daughter,' 25c; 'Creative Life,' 25c; 'Strike of a Sex,' 25c; 'Woman in Her Relation to Church and Canon Law,' 10c; photo of M. Harman, 25c. For the rest send me 'Wedding Night,' by Dr. Stockham. Sorry I cannot contribute more to the Free Speech fund. Must do something later, for it is my liberty as well as yours that is assailed."

["Wedding Night" cannot be obtained for love or money. The fine exacted from the author, Dr. Alice B. Stockham, by the United States authorities, in obedience to the demands of the postal inquisition, closes the sale of this very excellent educational document until a wiser and better administration of public affairs comes into power.—M. H.]

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To encourage our friends who are buying books for free distribution or for circulating libraries, we have decided to offer the following books at half price for the next three months. Part of these books are of our own publication; others have been either donated to us to help our work along or they have been purchased by us at rates that will justify the reduction named.

The prices named are the common retail prices. We offer them postpaid at one-half these rates.

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"Next Revolution," or woman's emancipation from sex slavery; Nos. 1, 2, 3 and 4. These booklets are largely made up of reports from the trials of LUCIFER's editor in the Kansas courts, and of the attempts to suppress the paper by putting its editor and publisher in prison. Price each 10c.

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